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1951 **File No.** O-Cotton Cloth Dealers/51.

Legal Department 10/51

9 **BRANCH**

Subject:— Opinions on the Bombay Cotton Cloth Dealers Licensing Order 1949

(K 9/E)

File No. O-Cotton Cloth Dealers/51

10/51

C O N T E N T S.

Legal Department File No. C. Cotton Cloth Dealers/ 51

Serial No.	R.I./O.No.	Subject	Pages.
		Opinions under the B'bay Cotton Cloth Dealers Licensing Order, 1949.	
1)	O.No.G-123/3-4-51	Re: Prosecution for breach of the provisions of cl.6(2)(b) and cl. 17 of the order. (copies not taken).	1-6
2)	O.No. G-250/28-6-51	Re: Special Retail Distributor conditions of purchase of cloth by---- (copies not taken).	7-8
3)	O.No. G-274/2-7-51	Re: Speical wholesale Distributor. Breach of the order by--- (copies not taken).	9-10
4)	O.No. G-409/4-9-51	Whether the State Textile Constro-- ller's Notfn. No. 518/VII dt. 1-6-51 as amended by State Textile Controller's Notfn. No. 518/VII dt. 27-6-51 applies to licensed or unlicensed dealers dealing in exempted goods.	11-12

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5 Copies.

The question for consideration is whether the State Textile Controller's Notification No. 518/VII, dated the 1st June 1951 as amended by State Textile Controller's Notification No. 518/A/VII, dated the 7th June 1951 applies to licensed or unlicensed dealers dealing in exempted goods.

The said notification was issued under the delegated powers under clause 22 of the Cotton Textiles Control Order, 1948 and it specifies the maximum wholesale and retail prices at which mill made cloth shall be sold by dealers of the A,B, C and E categories mentioned in the Bombay Cotton Cloth Dealers Licensing Order, 1951. For the purpose of this notification, it is immaterial whether the dealer is a licensed dealer or not and the above price notification applies even to an unlicensed A,B,C or E class dealer.

The Civil Supplies Department Order No. 564/VII, dated the 18th December 1948 was issued by the State Government in pursuance of clause 24 of the Bombay Cotton Cloth Dealers Licensing Order, 1948 and it provided that dealers selling or storing for sale cloth of the categories mentioned in the Schedule to that Order shall be exempted from all the provisions of the Order. The Bombay Cotton Cloth Dealers Licensing Order, 1948 was repealed by clause 24 of the Bombay Cotton Cloth Dealers Licensing Order, 1949 but the Orders made thereunder were to be deemed to have been made under the corresponding provisions of the 1949 Order. The Civil Supplies Department Order dated the 18th December 1948 therefore was continued under the 1949 Order as there was corresponding provision regarding granting exemption in clause 22 thereof. The Civil Supplies Department Order dated the 18th December 1948 was further continued in force under the Bombay Cotton Cloth Dealers Licensing Order, 1951 by virtue of clauses 24 and 22 of the latter Order. The dealers dealing in the exempted cate-

gories of cloth are therefore exempted from the provisions of the Bombay Cotton Cloth Dealers Licensing Order, 1951 but they will have still to abide by the provisions of price notification dated the 1st June 1951. Para(b) of the Explanation to the said Notification should be duly amended so as to define the expression "D" class dealer referred to in the Schedule of that Notification.

Id./.....

Additional Secretary to Government.

U.R. to S.T.C.No. G. 409, dated the 4th September 1951.

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4 Copies.